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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

MYLES WILSON, *Individually and o/b/o Dylan
and Ashley Moore*
FRANREKA WILSON, *Individually and o/b/o
Dylan and Ashley Moore*

CIVIL ACTION NO. 06-1799

JUDGE HAIK

MAGISTRATE JUDGE METHVIN

VS.

BP EXPLORATION & PRODUCTION, INC.

JURISDICTIONAL REVIEW RULING

Before the court is plaintiff's "Memorandum Regarding Submission of Jurisdictional

Amount," filed pursuant to this court's order of December 11, 2006.¹ Having reviewed plaintiff's memorandum and the exhibits thereto, I conclude that plaintiff has proven by a preponderance of the evidence that the amount in controversy exceeds \$75,000 by setting forth the specific facts in controversy that support a finding of the jurisdictional amount. Simon v. Wal Mart Stores, 193 F.3d 848 (5th Cir. 1999); Luckett v. Delta Airlines, Inc., 171 F.3d 295 (5th Cir. 1999). Relevant jurisdictional facts which have been included in the memorandum discuss the nature and severity of plaintiff's injuries, which include an L4-5 annular tear and disc bulge, for which Dr. Louis Blanda has recommended a microdiscectomy; a joint effusion and anterior cruciate ligament tear of the right knee for which Dr. Blanda has recommended arthroscopy and meniscectomy; a C3-4 disc protrusion; a C4-5 disc bulge and/or protrusion; a C5-6 disc bulge with hypertrophic spurring; C6-7 disc protrusion and/or herniation; and C7-T1 right paracentral disc bulge; and right ulnar nerve entrapment, median nerve entrapment and carpal tunnel

¹ Rec. Doc. 9.

syndrome in the right upper extremity, for which Dr. Blanda has recommended carpal tunnel release and ulnar nerve release at the elbow. Plaintiff's medical expenses incurred prior to removal total approximately \$10,000, and his future medical expenses are estimated to be approximately \$100,000. Additionally, plaintiff seeks past lost wages in an amount exceeding \$50,000 and future lost wages of several hundred thousand dollars.

Considering the foregoing, the undersigned concludes that plaintiff's claims satisfy the jurisdictional amount in this case.

Signed at Lafayette, Louisiana on January 24, 2007.

Mildred E. Methvin
United States Magistrate Judge
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